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Press Release

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FOR IMMEDIATE RELEASE

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ATTORNEY GENERAL DARRELL MCGRAW FILES LAWSUIT IN THE CIRCUIT COURT OF RANDOLPH COUNTY AGAINST F.E. RUNNER FUNERAL HOME. EVIDENCE SUGGESTS THOUSANDS HAVE BEEN MISAPPROPRIATED FROM CONSUMERS' PRENEED ACCOUNTS.

Attorney General Darrell McGraw filed suit today against F. E. Runner Funeral Home and its owner, Cheryl Runner Kittle ("Runner"), in the Circuit Court of Randolph County. The lawsuit alleges that the funeral home has been misappropriating money from consumers who have paid in advance for funeral arrangements. In his complaint, McGraw seeks to seize all preneed funeral assets under Runner's control so they can't be misappropriated.

Acting on complaints from Randolph County consumers, the Attorney General's office conducted an audit last month and discovered thousands of dollars worth of shortfalls in Runner's preneed funeral contract accounts. Based on information received thus far, Runner has misappropriated just under \$20,000.00 in preneed account funds that Runner told the consumers would be deposited into a special trust account, as required by law. In one instance, the lawsuit asserts that Runner had actually deposited a consumer's money as required, but later submitted a forged death certificate to the bank in order to withdraw it from the account by claiming that the consumer was deceased. When the consumer's wife contacted the bank to obtain documentation on the account, the bank conveyed condolences, although the supposedly-deceased individual was sitting in the room with his wife during the call.

The current litigation follows a 2004 lawsuit against Runner on allegations that the funeral home was failing to report preneed transactions to the Attorney General as required by law or to report withdrawals from consumers' trust funds and account for how she spent consumers' money after servicing funerals. That litigation culminated in an order by Circuit Judge John L. Henning, Jr., by which Runner was commanded to "Comply with all elements of the West Virginia Preneed Funeral Contracts Act ." Based on new allegations that Runner is now misappropriating consumers' money, today's filing asks the Court to hold Runner in contempt for violating the August 2004 order.

McGraw's lawsuit also seeks an injunction to forever ban Runner from receiving advance payments from consumers for funeral purchases and to seize all preneed contract funds from the funeral home in hopes of preventing future misappropriations. The suit also seeks restitution for any consumers who may have been harmed by Runner's conduct, as well as civil penalties for her repeated violations.

Any customer of Runner Funeral Home suspecting that their prepayments may have been mishandled should contact the Attorney General's Consumer Hotline at 800-368-8808 or 304-558-8986.

To download and print a complaint form, please click on the **Preneed Funeral Complaint Form** link at the top of this page.

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